

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

POWER INVESTMENTS, LLC,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	Case No. 4:21-cv-01022-SEP
)	
CARDINALS PREFERRED, LLC,)	
)	
Defendant/Counterclaim Plaintiff.)	

**PLAINTIFF POWER INVESTMENTS, LLC’S
MOTION TO FILE UNDER SEAL**

COMES NOW Plaintiff Power Investments, LLC (“Power”), by and through undersigned counsel, and moves this Court for leave to file under seal indefinitely its Memorandum in Support its Motion to Exclude Defendant’s Expert Gary Goolsby (“Memorandum”). Power also seeks leave to file under seal indefinitely Exhibits 2-13 and 15-22 to the Memorandum (“Exhibits”).

In support of its Motion, Power states the following:

1. Exhibits 6, 11-12, 17, and 19-22 have been marked “Confidential” by Defendant Cardinals Preferred, LLC (“Cardinals”), the producing party, pursuant to the Stipulated Protective Order (ECF 43). These documents contain highly sensitive business information relating to Ashley Energy LLC (“Ashley”) and to Power (a member of Ashley).

2. Exhibits 3-5 and 7-10 have been marked “Confidential” by the producing entities – Power, non-party Ashley, and non-party Armanino LLP (“Armanino”) – pursuant to the Stipulated Protective Order. These documents contain highly sensitive business information relating to Ashley and Power.

3. Exhibit 15 is the Expert Report of Gary B. Goolsby; Exhibit 16 is the Expert Report of Jared Bourgeois. Mr. Bourgeois' Expert Report has been marked "Confidential – Subject To Stipulated Protective Order." In forming their analyses, Mr. Goolsby and Mr. Bourgeois reviewed and relied on confidential documents produced in discovery. Disclosure of their Expert Reports would shed light on highly sensitive business information relating to Ashley and Power, including information concerning the work of Ashley's auditors.

4. Exhibits 2, 13 and 18 are excerpts from transcripts of depositions taken in this case. These deposition transcript excerpts include discussions of the sensitive contents of documents that the parties have designated "Confidential" and that Power seeks to file under seal.

5. Power's Memorandum in Support of its Motion to Exclude Defendant's Expert Gary Goolsby quotes, cites and describes the confidential and highly sensitive information contained in the foregoing Exhibits.

6. Power requests the indefinite sealing of the foregoing Memorandum and Exhibits because they contain confidential and highly sensitive information relating to Ashley and Power.

7. The Stipulated Protective Order requires Power to seek leave of Court to file the foregoing documents under seal. (ECF 43 ¶ 13.) Given the highly sensitive nature of the information contained in these documents, good cause exists to permit Power to file these documents under seal indefinitely.

8. Accordingly, and pursuant to Local Rule 13.05, the Court's Protective Order, and the additional reasons set forth in the memorandum filed concurrently with this motion, Power requests leave to file the identified documents under seal indefinitely.

WHEREFORE, Power respectfully requests that this Court enter an Order granting Power leave to file under seal indefinitely its Memorandum in Support its Motion to Exclude Defendant's

Expert Gary Goolsby; leave to file under seal indefinitely Exhibits 2-13 and 15-22 to its Memorandum; and such other and further relief as the Court deems just and proper under the circumstances.

Dated: July 7, 2022

Respectfully submitted,

DOWD BENNETT LLP

/s/ Milton P. Wilkins

James F. Bennett, 46826 (MO)
Edward L. Dowd, Jr., 28785 (MO)
Jeffrey R. Hoops, 69813 (MO)
Milton P. Wilkins, 65278 (MO)
7733 Forsyth Boulevard, Suite 1900
St. Louis, MO 63105
(314) 889-7300 (telephone)
(314) 863-2111 (facsimile)
jbennett@dowdbennett.com
edowd@dowdbennett.com
jhoops@dowdbennett.com
mwilkins@dowdbennett.com

*Attorneys for Plaintiff / Counterclaim
Defendant Power Investments, LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that on this July 7, 2022, the foregoing and all attachments were electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of the same to all counsel of record.

/s/ Milton P. Wilkins